

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

UNITED STATES OF AMERICA,
Plaintiff,

2:15-cr-00071-JAD-GWF

vs.

MINUTES OF THE COURT

ROBERT DEVELL KINCADE,
Defendant.

DATE: 5/23/2017

PRESENT: HONORABLE JENNIFER A. DORSEY, UNITED STATES DISTRICT JUDGE

DEPUTY CLERK: DANIELLE CACCIABAUDO

REPORTER: FELICIA ZABIN

COUNSEL FOR PLAINTIFF(S): ALEX MICHAEL, SUSAN CUSHMAN (also at counsel table is Brian Glynn)

COUNSEL FOR DEFENDANT(S): KATHLEEN BLISS, JASON HICKS (also at counsel table is FBI Special Agent Henry Schlumpf)

PROCEEDINGS: **Jury Trial - Day 1**

8:50 AM Court convenes outside the presence of the prospective jury. Defendant is present in custody.

The Court advises the parties she had reviewed the defendant's motion in limine [ECF 420]. For reasons stated on the record, the Court **GRANTS** the motion.

The Court and counsel review the brief synopsis of what will be said to the prospective jurors at the beginning of jury selection and review additional housekeeping matters.

Ms. Cushman, as directed by the Court previously, provided the grand jury transcripts to the Court for an in camera review. The Court will review the transcripts provided to determine whether there is Brady material.

On motion of counsel, IT IS ORDERED the Exclusionary Rule is invoked.

9:14 AM Court stands at recess.

9:25 AM Court reconvenes in the presence of sixty-one prospective jurors. All parties are present.

The Court makes opening remarks, introduces the staff, has counsel introduce themselves and gives a brief summary of the case to the prospective jurors. The prospective jurors are sworn and voir dire commences.

11:21 AM The prospective jurors are excused for the morning break. Court stands at recess.

11:35 AM Court reconvenes outside the presence of the prospective jury. 2 prospective jurors are brought into the courtroom separately for follow up questions.

11:45 AM The remaining prospective jurors are brought back into the courtroom and voir dire continues.

Counsel passes for cause.

12:50 PM Prospective jury is admonished and excused for a break. Counsel exercise their peremptory challenges outside the presence of the prospective jury.

Ms. Bliss objects pursuant to Batson, to the Government striking Juror Dana H. The Court hears the arguments of counsel and OVERRULES the objection.

2:00 PM Court reconvenes in the presence of prospective jurors.

Unselected jurors are excused. Selected jurors are sworn.

The Court instructs the jury on the elements of the offense and the order of trial proceedings.

2:15 Jury is admonished and excused for the lunch break. Court stands at recess.

3:15 PM Court reconvenes in the presence of the jury. All parties are present. Opening statements are given on behalf of the government by Ms. Cushman and on behalf of the defendant by Ms. Bliss.

NIKKI RONQUILLO (MONTES) is called on direct examination on behalf of the government by Ms. Michael. **GOVERNMENT EXHIBITS 1 and 3A-3U are marked and admitted into evidence.** Ms. Bliss conducts cross examination, redirect by Ms. Michael. Witness is excused.

ALYSE JESTER is called on direct examination of behalf of the government by Ms. Cushman. **GOVERNMENT EXHIBITS 3V-3Z and 3AA-3CC are marked and admitted into evidence.** Ms. Bliss conducts cross examination. **DEFENDANT EXHIBIT 577** is marked but not admitted. Ms. Cushman conduct redirect examination, recross by Ms. Bliss. Witness is excused.

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4:45 PM The Court excuses the jury for the evening. Defendant remanded. Court adjourns.

Jury Trial continued to Wednesday, May 24, 2017 at 9:00 A.M. in Courtroom 6D before Judge Jennifer A. Dorsey.

DEBRA K. KEMPI, CLERK

United States District Court

By: _____/s/_____

Danielle Cacciabauda, Deputy Clerk